

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Jeffrey W. Carpenter,

Plaintiff,

v.

Twin City Fire Insurance Company,

Defendant.

§
§
§
§
§
§
§
§

Civil Action No. 3:23-CV-00769-N

Jury Demand

**APPENDIX IN SUPPORT OF PLAINTIFF JEFF CARPENTER'S
RESPONSE TO DEFENDANT'S PROPOSED FINAL JUDGMENT**

Respectfully submitted,

/s/ David L. Wiley

Amy E. Gibson
Texas Bar No. 00793801
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David L. Wiley
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Attorneys for Jeff Carpenter

From: David Wiley david@gwfirm.com 
Subject: Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)
Date: May 6, 2025 at 11:33 AM
To: Amy Gibson amy@gwfirm.com
Cc: Knight, Steven J. Steven.Knight@CHAMBERLAINLAW.COM, Kirchner, Christine c.kirchner@chamberlainlaw.com, Douthit, Jared Jared.Douthit@chamberlainlaw.com, Lemons, Chris M. Chris.Lemons@chamberlainlaw.com



Steven,

Attached is our draft.

David L. Wiley
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Appendix 002

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

Jeffrey W. Carpenter,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
<i>v.</i>	§	Civil Action No. 3:23-CV-00769-N
	§	
Twin City Fire Insurance Company,	§	
	§	
<i>Defendant.</i>	§	

FINAL JUDGMENT

This Court dismissed the remedies of punitive damages and injunctive relief [ECF No. 50]. This Court later granted summary judgment in favor of Plaintiff Jeffrey W. Carpenter on the only disputed element of the *Stowers* claim. [ECF No. 67]. For the reasons stated in its Order [ECF No. 67], and considering both the underlying state-court judgment [ECF No. 54, pp.5-12, PageID 3531-3538] (the “Prior Judgment”) and the Stipulation in which Twin City Fire Insurance Company admitted liability on all *Stowers* elements other than insurance coverage [ECF No. 54], IT IS ORDERED as follows:

1. Defendant Twin City Fire Insurance Company is now jointly and severally liable with Brian Potashnik, Southwest Housing Development Company, Inc., Southwest Housing Management Corporation, Inc. a/k/a and d/b/a Southwest Housing

Management Company, Inc., and Affordable Housing Construction, Inc., for payment of the Prior Judgment to Plaintiff Jeffrey W. Carpenter.

2. Specifically, Plaintiff Jeffrey W. Carpenter shall have and recover from Defendant Twin City Fire Insurance Company:

- a. \$928,020.76, which was the amount of actual damages in the Prior Judgment;
- b. prejudgment interest on that \$928,020.76 at the rate of 5.25% per annum simple interest from March 11, 2008 through December 16, 2018 [through the day before the date of the Prior Judgment];
- c. \$820,818.00, which was the amount of reasonable attorneys' fees in the Prior Judgment through December 16, 2018 [through the day before the date of the Prior Judgment];
- d. costs of court granted in the Prior Judgment;
- e. post-judgment interest on all the above amounts (a)-(d) at the rate of 5.25% per annum, compounded annually, from December 17, 2018 [the date of the Prior Judgment]
 - (1) through March 18, 2021, which is the day before the supersedeas bond amount of \$214,625.00 was paid on March 19, 2021;
 - (2) and continuing starting March 19, 2021 on the unpaid remainder after credit for the bond amount until the date the Prior Judgment is satisfied;
- f. \$128,700.00, representing the amount of then-conditional reasonable appellate attorneys' fees granted in the Prior Judgment;
- g. post-judgment interest on that \$128,700.00 at the rate of 3.97%, compounded annually from the date of this final judgment until paid; and
- h. costs of court for proceedings in this federal action.

All relief not expressly granted is denied. This is a final judgment.

IT IS SO ORDERED, this ____ day of _____, 2025, by

United States District Judge
David C. Godbey

AGREED AS TO FORM ONLY,

/s/

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Mr. David L. Wiley
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Attorneys for Jeff Carpenter

/s/

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*Attorneys for Twin City Fire Insurance
Company*

From: Knight, Steven J. Steven.Knight@CHAMBERLAINLAW.COM 
Subject: RE: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

Date: May 7, 2025 at 2:33 PM

To: David Wiley david@gwfirm.com, Amy Gibson amy@gwfirm.com

Cc: Kirchner, Christine c.kirchner@chamberlainlaw.com, Douthit, Jared Jared.Douthit@chamberlainlaw.com, Lemons, Chris M. Chris.Lemons@chamberlainlaw.com

SK

David and Amy,

I am waiting to hear from my client about proceeding with your draft – with one exception. The Prior Judgment does not award post-judgment interest on the condition appellate fees. I would direct you to the paragraph on page 5 of 7, limiting the post-judgment interest award to “the amounts above,” which only include the actual damages, the pre-judgment interest award, attorneys’ fees “through the day before this Judgment,” and costs of court. Based on that, are you willing to itemize on your proposed final judgment?

Steven Knight
Shareholder

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[Website Bio](#) | [Connect on LinkedIn](#) | [vCard](#)



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Appendix 006

From: Amy Gibson <amy@gwfirm.com>

Case 3:23-cv-00769-N Document 72 Filed 05/14/25 Page 7 of 16 PageID 5507

Sent: Wednesday, May 7, 2025 3:14 PM

To: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>; David Wiley <david@gwfirm.com>

Cc: Kirchner, Christine <c.kirchner@chamberlainlaw.com>; Douthit, Jared <Jared.Douthit@chamberlainlaw.com>; Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>

Subject: Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

[CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

Steve,

That is federal post-judgment interest on the conditional appellate fees. And we do not agree to change that one.

Amy Gibson

Gibson Wiley PLLC

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E: amy@gwfirm.com

From: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>

Case 1:23-cv-00769-A Document 72

Filed 05/14/25

Page 8 of 16

PageID 5508

Date: Wednesday, May 7, 2025 at 3:16 PM

To: Amy Gibson <amy@gwfirm.com>, David Wiley <david@gwfirm.com>

Cc: Kirchner, Christine <c.kirchner@chamberlainlaw.com>, Douthit, Jared <Jared.Douthit@chamberlainlaw.com>, Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>

Subject: RE: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

Thank you for clarifying. Can you send me some authority that supports including that?

Appendix 008

[CAUTION - EXTERNAL EMAIL] DO NOT reply, click links, or open attachments unless you have verified the sender and know the content is safe.

28 USC 1961(a): “Interest *shall* be allowed on *any money judgment* in a civil case recovered in a district court....”

While we did not seek or receive post-judgment interest in *state court* running from each piece of the conditional appellate fees as each piece was completed, we can start federal post-judgment interest on anything not already accruing interest ... from the time the federal court issues *its* judgment.

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Northern District of Texas

Notice of Electronic Filing

The following transaction was entered by Wiley, David on 5/13/2025 at 6:45 PM CDT and filed on 5/13/2025

Case Name: Carpenter v. Twin City Fire Insurance Company

Case Number: [3:23-cv-00769-N](#)

Filer: Jeffrey W Carpenter

Document Number: [68](#)

Docket Text:

NOTICE of *plaintiff's proposed final judgment as required*
re: [67] Memorandum Opinion and Order, filed by Jeffrey W
Carpenter (Wiley, David)

From: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM>

Date: Tuesday, May 13, 2025 at 6:59 PM

To: Amy Gibson <amy@gwfirm.com>

Cc: David Wiley <david@gwfirm.com>, Kirchner, Christine <c.kirchner@chamberlainlaw.com>, Douthit, Jared <Jared.Douthit@chamberlainlaw.com>, Lemons, Chris M. <Chris.Lemons@chamberlainlaw.com>

Subject: Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

Since the offer to apply the federal statute to the conditional appellate fees only was not withdrawn - it is open - and it is accepted. Thank you.

Sent from my iPhone

Appendix 011



Amy Elizabeth Gibson <amy@gwfirm.com>

Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

To: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM> & 5 more

Case 3:23-cv-00769-N Document 72 Filed 05/14/25 Page 12 of 16 PageID 5512

Inbox - Exchange Yesterday at 7:52 PM

[Details](#)



Siri Found a Contact

Amy Gibson
amy@gwfirm.com

Add



It's too late for that. We already filed a different form of proposed final judgment along with a brief stating that we now seek full federal post-judgment interest on the damages, which includes state-court interest.

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Appendix 012



Amy Elizabeth Gibson <amy@gwfirm.com>

Case 3:23-cv-00769-N Document 72 Filed 05/14/25 Page 13 of 16 PageID 5513

Inbox - Exchange Yesterday at 7:52 PM

Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

[Details](#)

To: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM> & 5 more

It's too late for that. We already filed a different form of proposed final judgment along with a brief stating that we now seek full federal post-judgment interest on the damages, which includes state-court interest.

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Appendix 013



Knight, Steven J. <Steven.Knight@CHAMBERLAIN...>

Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

To: Amy Elizabeth Gibson <amy@gwfirm.com> **Cc:** & 4 more

[Case 3:23-cv-00769-N](#)

[Document 72](#)

[Filed 05/14/25](#)

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[PageID 5514](#)

 **Inbox - Exchange** Yesterday at 7:57 PM

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Interesting. Contracts 101 allows me to accept offers that weren't timed out or withdrawn. Ergo - not too late.

Sent from my iPhone

Appendix 014



Amy Elizabeth Gibson <amy@gwfirm.com>

Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

To: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM> & 5 more

[Case 3:23-cv-00769-N](#)

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[Filed 05/14/25](#)

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[PageID 5515](#)

Inbox - Exchange Yesterday at 8:05PM

[Details](#)

This ain't a contract. But if you want to get down to 101, there would be no consideration.

Appendix 015



Amy Elizabeth Gibson <amy@gwfirm.com>

Inbox - Exchange Yesterday at 8:20 PM

Re: Carpenter - Proposed Final Judgment 4_29_2025(32439948.1)

[Case 3:23-cv-00769-N](#)

[Document 72](#)

[Filed 05/14/25](#)

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[PageID 5516](#)

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To: Knight, Steven J. <Steven.Knight@CHAMBERLAINLAW.COM> & 5 more



I should have also pointed out that, even if you treated this as a contract, any different offer from either side on the same term operates as a revocation.

Appendix 016